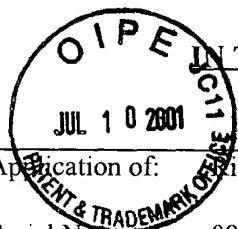


1644



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant of: Bittershaus et al.

Serial No.: 09/529,762

ART UNIT: 1644

Filed: April 18, 2000

Entitled: XENOGENEIC CHOLESTERYL ESTER
TRANSFER PROTEIN (CETP) FOR
MODULATION OF CETP ACTIVITY

EXAMINER: Huynh

Atty. Docket No.: TCS-420.1P US

Asst. Commissioner for Patents
Washington, D.C. 20231

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JUL 12 2001

TECH CENTER 1600/2900

TRANSMITTAL LETTER

Sir:

Transmitted herewith are: [X] Preliminary Amendment; and [X] a return postcard.

FEE FOR ADDITIONAL CLAIMS

[X] A fee for additional claims is not required.

[] A fee for additional claims is required. The additional fee has been calculated as shown below:

	TOTAL CLAIMS	HIGHEST NUMBER PREVIOUSLY PAID FOR	NUMBER OF EXCESS CLAIMS	RATE	FEES DUE
TOTAL CLAIMS	50	92	0	× \$---	= 0.00
INDEPENDENT	7	17	0	× \$---	= 0.00
FIRST INTRODUCTION OF MULT. DEPENDENT CLAIM				+\$---	= 0.00
TOTAL FEES DUE					= 00.00

[X] Small entity status has already been established for Applicant(s) in this case.

PAYMENT OF ADDITIONAL FEES

[] A check in the amount of \$ 00.00 in payment of the fee for additional claims is transmitted herewith.

[] A check including the amount of \$ 00.00 in payment of the fee under 37 CFR §1.18(a) for issuing an original patent.

[] A check including the amount of \$ 00.00 in payment of the fee under 37 CFR §1.19(a)(1)(i) for 0 printed copies of patent charged at \$3.00 per copy.

- [X] The Commissioner is hereby authorized to charge payment of any additional fees required under 37 CFR 1.16 or 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0268. A duplicate copy of this transmittal letter is transmitted herewith.

PETITION FOR EXTENSION OF TIME

- [] Extension is requested under 37 CFR 1.136(a), and the following extension fee is applicable for the paper(s) filed herewith: [] \$55.00 for response within first month pursuant to 37 CFR 1.17(a)(1);
[] \$190.00 for response within second month pursuant to 37 CFR 1.17(a)(2);
[] \$435.00 for response within third month pursuant to 37 CFR 1.17(a)(3);
[] \$680.00 for response within fourth month pursuant to 37 CFR 1.17(a)(4).
[] \$925.00 for response within fifth month pursuant to 37 CFR 1.17(a)(5).
- [] Total amount of payment in connection with the paper(s) transmitted herewith is \$ 00.00.
{check no. --}
- [X] The Commissioner is hereby authorized to charge payment of any additional fees required in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0268.

Respectfully submitted,

Thomas R. Berka

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Thomas R. Berka, Ph.D.; Registration No. 39,606
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CERTIFICATE OF MAILING

The undersigned hereby certifies that this correspondence is being deposited with the U.S. Postal Service as first class mail, in an envelope addressed to the Asst. Commissioner for Patents, Washington, DC 20231, on the date indicated below.

July 6, 2001
Date of mailing and signature

Stephanie L. Leicht
Stephanie L. Leicht



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#4/a
Harry
Jul. 14, 01

Application of: Rittershaus et al.
Serial No.: 09/529,762
Filed: April 18, 2000
Entitled: Xenogeneic Cholesteryl Ester Transfer Protein (CETP) for Modulation of CETP Activity

ART UNIT: 1644

EXAMINER: Huynh

Attorney Docket No.: TCS-420.1P US

Assistant Commissioner for Patents
Washington, D.C. 20231

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PRELIMINARY AMENDMENT

Sir:

Applicants submit this paper to amend the claims in the above-identified application prior to examination on the merits.

No fee is believed to be associated with the filing of this Preliminary Amendment. However, to avoid abandonment, if any fee related to the timely entry of this Preliminary Amendment is due, the Commissioner is hereby authorized to charge such fee to Deposit Account No. 50-0268.

IN THE CLAIMS

Please cancel original Claims 1-37 and substitute therefor new Claims 38-52, which are provided at Tab A pursuant to 37 C.F.R. § 1.121(c)(3).

REMARKS

Applicants wish to thank the Examiner for the telephone conversation held on July 3, 2001, between their attorney and the Examiner in which the Examiner recommended that Applicants submit a preliminary amendment of the claims in order for Applicants to focus claim